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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,566	06/23/2003	Saied Hussaini	8312.146	9636
7590 03/28/2006				
Liniak, Berenato, Longacre & White Ste. 240 6550 Rock Spring Drive Bethesda, MD 20817				
			EXAMINER SPRIGG, SEAN M	
			ART UNIT 3712	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/600,566	<b>Applicant(s)</b> HUSSAINI ET AL.	
	<b>Examiner</b> Sean Sprigg	<b>Art Unit</b> 3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 12-12 and 15-15 are not found in Figs. 11 and 9 respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the "brief Description of the Drawings" describes "Figs. 12-13" when it should likely be --Figs. 12-14--.

Appropriate correction is required.

***Claim Objections***

3. Claim 3 is objected to because of the following informalities: the word “recessed” in the fourth line of the claim should likely be –recess--. Appropriate correction is required.

4. Claims 5-6 are objected to because of the following informalities: the limitation of “said video game console” lacks antecedent basis. It is apparent that the “video game console” is referencing the “electronic video processing device.” It is advised that the language be revised to either properly limit the “electronic video processing device” to a “video game console” or to change any reference to a “video game console” to a “electronic video processing device.” For the purposes of this examination, the claims limitations of “said video game console” will be interpreted as “said electronic video processing device.” Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 contains the limitation of “a substantially flat base panel”, which is included in the base member, when claim 1 already contains a limitation of a “base panel”, which is also included in the base member. It is unclear as to whether the claim is merely attempting to limit the “base panel” of claim 1 to being substantially flat, or if claim 9 is attempting to add a second base panel to the base

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member element. For the purposes of this examination, it will be assumed that there is only one base panel and that claim 9 is limiting the base panel to being flat.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 9, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kutaragi'507 (USPN 6,749,507).

Kutaragi'507 teaches a portable video display unit that has a base member (see lead lines 94 and 95), which has a base panel (see proximate lead line 951), and a video display (see lead line 91), wherein the display member has a viewing surface with a display screen (see lead line 91 and 911 and 911a), is pivotally mounted to the base member between a stowed position, wherein the display member is parallel to the base panel, and a deployed position, wherein the display member projects outwardly away from the base panel (see col. 10 lines 46-57). It is noted that the "stowed position" and the "deployed position" are relative to what is considered stowed and deployed. In this case, the claim sets forth that a "stowed position" is merely when the display member is parallel to the base panel which is clearly true of Kutaragi'507 when the display member 91 is parallel to the base panel 951, and that a "deployed position" is when the display

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member is not parallel with the base panel and is still viewable by a user such the positioning demonstrated in Fig. 11 or when the video member makes an obtuse or 180 angle relative to the apparatus body (see col. 10 lines 48-55). Kutaragi'507 also teaches a locking attachment device on the base member (see col.12 lines 21-27), the base panel being substantially flat (see lead line 951), the base member also having a screen support member on the rear edge of the base panel (see lead line 95), and the video display member being pivotally mounted to the screen support member of the base member (see col. 10 lines 46-57 and Figs. 11 and 28). Kutaragi'507 also teaches that the screen support member has a rear panel provided with at least one electrical connector that has the ability to be detachably electrically connected to a corresponding electrical connector on the electronic video processing device through an extension cable (see lead line 95A, 96A and 96B). Kutaragi'507 also teaches that the video display member is provided with a pair of stereophonic speakers (see lead line 912 and col. 8 lines 30-34) and that there is a display controller in the video display unit (see col. 8 lines 12-14).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over teachings found in Kutaragi'507.

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Kutaragi'507 teaches a front panel of the screen support member (see Fig. 30 and proximate lead lines 95B and 95 and col. 12 lines 46-50), that a plurality of controls that regulate the display screen by allowing the video to pass through the portable display device to an external unit (see col. 12 lines 59-64), and at least one earphone plug socket exists on the screen support member (see lead line 96C). Kutaragi'507 does not explicitly teach a power switch on the front panel. However, Kutaragi'507 does teach that the device may be arranged to receive power from an external source and not from the game console (see col. 12 lines 43-45), that devices which receive power independently should have a power switch and that it should be located in a easily accessible place such as an outer surface (see col. 5 lines 6-8), and that other switches and buttons could be placed on the screen support surface for easy access as opposed to the surface shown proximate lead line 95A in Fig. 31 and Fig. 33 (see col. 12 lines 59-64). All of these teachings in the Kutaragi'507 reference suggest that when the power for the portable display device is being drawn from a source separate from the game console, a power switch should likely be placed on the front panel of the screen support member. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kutaragi'507 with a power switch on the front panel of the screen support member to provide a way to turn on and off the power in a convenient location when the display device is receiving power separate from the game console.

***Allowable Subject Matter***

10. Claims 3-8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oskulak'992 (US Pub. No. 2004/0217992), Kim'420 (USPN 6,081,420), and Carroll'427 (USPN 6,249,427).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Sprigg whose telephone number is (571) 272-5562. The examiner can normally be reached on Monday - Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SUPERVISORY PATENT EXAMINER  
TC3700